

# SCOPE OF DIVERSITY

THE EQUAL EMPLOYMENT OPPORTUNITY NEWSLETTER  
FOR KENTUCKY STATE EMPLOYEES

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The Personnel Cabinet  
Office of Human Resource Planning & Diversity Initiatives

## Special Points of Interest:

- *WHAT IS A BFOQ?*
- *EXCLUSIVE EEO COORDINATOR TRAINING*



## MESSAGE FROM THE EXECUTIVE DIRECTOR

As the 20<sup>th</sup> Annual Governor's EEO conference draws near, we urge those who have yet to register to do so at the earliest possible opportunity. The conference will be filled with opportunities to enhance your knowledge of EEO issues while providing exciting entertainment. Don't miss this opportunity to participate in a great experience.

The Office of Human Resource Planning & Diversity Initiatives is pleased to announce our newest edition to our staff, Mr. Arthur Lucas, starting on September 19<sup>th</sup>. Mr. Lucas comes to state government

from the private sector at United Parcel Services. As a long term employee with United Parcel Services Mr. Lucas has extensive knowledge of EEOC regulations and procedures.

One of Lucas's major duties will be to develop a method to capture all complaints registered within the commonwealth internally and externally and assist in the analysis of that data. This data will provide valuable tools to assist each cabinet in identifying potential barriers that prohibit a healthy and productive work environment, as well as impact initiatives toward a diverse workforce. Please

join us in welcoming Mr. Lucas to state government.

With the new edition to our staff, we will increase our focus on research and developing tools to support Governor Fletcher's Affirmative Action Initiatives, making those tools available throughout state government. We anticipate developing a state wide diversity plan, with tools to support the established goals for minorities and women in the commonwealth's workforce, and implementing the Affirmative Action plan, including quality assurance analysis.



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## SCOPE OF DIVERSITY

### WHAT IS A BFOQ?

There are several laws in place to prevent workplace discrimination. Title VII of the Civil Rights Act passed in 1964 prohibits the discrimination based on race, color, religion, gender, or national origin. The Age Discrimination in Employment Act of 1967 (ADEA) protects individuals who are forty years of age or older from employment discrimination. A narrow exception to this prohibition of discrimination is where a bona fide occupational qualification (BFOQ) exists.

According to Blacks Law dictionary, BFOQ is an employment qualification that, although it may discriminate against a protected class (such

as sex, religion, national origin), it relates to an essential job duty and is considered reasonably necessary to the operation of the particular business.

Robert Rhodes in *Legal Discrimination in Four Letters: BFOQ*, Connecticut Employment Law Letter, March 2002, states that in age discrimination claims, the BFOQ's usually apply to physically demanding jobs or those which involve flying or driving. An example in this case is the FAA rule requiring airline pilots not serve as cap-

tains after reaching the age of 60.

Gender discrimination claims the discrimination is valid only when the "essence" of the business operation would be undermined if the business eliminated its discriminatory policy. An example of preserving the business essence or identity is a woman's clothing store who only hired women models for its advertisement campaigns. The nature of the business is to appeal to women and their dress. This would also be the argument for race or color discrimina-

tion situations. An example would be, an Asian restaurant that only employs Asian waitresses or service staff because the nature of the dining atmosphere is to provide an authentic Asian experience.

The discrimination under the BFOQ exception is justified by looking at the nature of the business, the requirement of the job, and whether the discriminatory practice is necessary to preserving the normal operation of the business.

### EQUAL EMPLOYMENT CONFERENCE OFFERS AN EXCLUSIVE EEO COORDINATOR TRAINING

On October 17, 2006, the 20<sup>th</sup> Annual Governor's Equal Employment Opportunity Conference will begin at the Holiday Inn Hurstbourne in Louisville, Kentucky. The conference is scheduled to run October 17 – 19<sup>th</sup>. As a feature of the conference, EEO Officers/Coordinators will have an opportunity to participate in an all day training session designed specifically for them. The purpose of this training is to build continuity among agencies and the EEO Officers/Coordinators regarding knowledge, resources, and policies.

The all day training will consist of three intensive accelerated sessions beginning at 11:30 am and adjourning at 4:45 pm and is limited to EEO Officers/Coordinators only. The curriculum will cover the basics of EEO, Affirmative Action and, Diversity in-

cluding managements responsibility in EEO. The day will also focus on practical skills building, such as Framing the Issues and Bases of Allegations, Resolutions Techniques and Writing an Investigation Report.

The training sessions will be conducted by Carol Dawson, of EEO Guidance, Inc. She has 20 years of direct experience in the EEO and Affirmative Action field, most of which she gained working for the U.S. Department of Labor/Office for Federal Contract Compliance Programs (OFCCP). She has served as Area Director for OFCCP (Louisville, Kentucky) as a Sr. Compliance Officer (OFCCP), and as the EEO Manager for the U.S. Dept. of Commerce, Census Bureau National Processing Center.

Ms. Dawson stepped out of the government compliance arena to share her knowledge and skills with both private industry and government agencies.

As a certified trainer for the U.S. Department of Labor/OFCCP, Dawson has trained new Compliance Officers across the country and has worked with many businesses, government agencies, and community groups to ensure compliance with EEO and AA laws and regulations. Her sessions blend humor with the serious issues surrounding EEO, Affirmative Action, and other employment matters.

## SELF CHECK: GENDER DIFFERENCES

Take the following quiz to see how much you really know about how genders differ

1. Women talk more than men. True/ False
2. Women interrupt men more frequently than men interrupt women. True/ False
3. Men look at women more often when conversing with them than women look at men. True/ False
4. Women talk about a wider range of subjects than men. True/ False
5. In conversation, a woman generally nods to show that she agrees with the speaker. True/ False
6. Women speak more politely than men. True/ False
7. Men and women use the same set of words. True/ False
8. Men are harder on themselves and blame themselves more. True/ False
9. Women ask more questions. True/ False
10. Women are more intuitive than men. True/ False
11. At business meetings, people are more likely to listen to men than women. True/ False
12. Men and women laugh at the same things. True/ False
13. Women touch others more often. True/ False
14. Women confront problems more directly and are more likely to bring up a problem first. True/ False

**Source:** Dupont Kay, 1997, Handling Diversity IN the Workplace Communication is Key.

### Answers

14. True  
13. False  
12. False  
11. True  
10. False  
9. True  
8. False

7. False  
6. True  
5. False  
4. True  
3. False  
2. False  
1. False

## DIVERSITY NOTES

### What Others Say About Diversity

Due in part to the demographic trends of our nation, diversity is at the forefront of the issues organizations have to pay attention to when developing plans and policies. According to the 2000 Census, 49.1% of the population is male; 50.9% of the population is female; 75.1% of the population is White; 12.3% of the population is Black; 3.6% of the population is Asian; .9% is American Indian & Alaska Native; 12.5% of the population is Hispanic/Latino and .1% is Hawaiian & other Pacific Islander. Many public and private sector organizations are realizing the business benefits of taking a serious look at diversity.

In the June 2006 issue of the business magazine, *DiversityInc.* J.W. Marriott Jr., chairman and CEO, Marriott International states, "Our commitment to diversity is what makes ours one of the most desirable companies to work for and to do business with. It helps us keep our competitive edge as we continue to set the standard for the entire hospitality industry." In the same issue of the

magazine *DiversityInc.*, Anise Wiley-Little, director of Diversity and Worklife, says, "As a result of our commitment to diversity, we've been able to attract and retain a diverse work force, drive high performance, increase innovation, offer quality products and tailored services to a diverse marketplace." Rosa Inchausti, Diversity Manager for the City of Tempe, Arizona writes in her article for American Public Works Association, *How Diversity Benefits Municipalities*, "Diverse organizations and communities demand diverse services....Our focus on diversity has created a work environment where feedback is bi-directional with workers and management, discrimination is not tolerated and workforce diversity is encouraged and managed. Where conflicts arise, systems are in place that help resolve issues and create a welcoming workplace."

Most organizations are taking a position on diversity whether it is creating a department or just a policy statement. Of state government: Oklahoma, Washington, and Wisconsin were se-

lected as best practice organizations in the area of diversity. Members of the United Nation's Group who selected these states said, "Best practice organizations value people and cultivate an environment where cultural awareness, sensitivity, fairness and integrity prosper." The UN Group further said, "Diversity efforts in the workplace facilitate the exchange of new perspectives, improve problem solving by inviting different ideas and create a respectful, accepting work environment, all of which make good business sense." These states boast minority representation in their workforce of approximately 19%, 17% and 14% respectively.

For more information on the importance of diversity, Kentucky state agencies may contact The Office of Human Resource Planning and Diversity Initiatives at 502-573-0321.



## Anderson Laureate Award

Presented  
October 19, 2006  
At the  
Annual Governor's EEO  
Conference Awards  
Luncheon.

Noon-1:30 pm

## Changing the World: Making a Difference

Holiday Inn Hurstbourne,  
Louisville, KY

For Information contact the Office of  
Human Resource Planning and  
Diversity Initiatives. (502)573-0321